IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8084 OF 2004

Chandrakant R.Pardeshi .. Petitioner.
Vs.
The Commissioner of Police
Navi Mumbai & Anr. .. Respondents.

Mrs.V.B.Thadani for the petitioner.
Mr.D.A.Patil for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 8TH OCTOBER, 2004

P.C.:

. Mrs.Thadani, learned counsel for the petitioner and Mr.Patil, learned A.G.P. for the respondents.

2. This petition is directed against the order dated 25.8.2004 passed by the Deputy Commissioner of Police (H.Q.), Navi Mumbai. The operative part of the order reads thus:

> "I, S.M.Salunkhe, Deputy Commissioner of Police (Headquarters), Navi Mumbai do hereby order that since you have the provisions of Rule 6(c) of the Eating House Registration Rules by keeping the establishment open beyond the prescribed

time and rules 9, 10(2), 19, 28(2) of the Public Entertainment Rules, in exercise of an under the powers vested in me by section 162(2) of the Bombay Police Act, 1951 and the Government notification dated 5/8/1999, the Eating House Registration Certificate number 15/87 and under Rule 33 of the Public Entertainment Licence Rules, the Public Entertainment licence granted to you are suspended for a period of one month.

If you are aggrieved by this order, you may file an Appeal to the Government within 30 days of receipt of this order.

If you accept this order and are willing to close your establishment for one month, you should inform the concerned Police Inspector and Assistant Police Commissioner by a written letter one day in advance.

If you do not file an appeal within 30 days this order will come into effect automatically after 30 days".

3. The petitioner has filed statutory appeal against this order before respondent no.2 on 22.9.2004. Mrs.Thadani, learned counsel for the

petitioner states that in view of General Elections, the Minister is not available and, therefore, no orders are passed in the appeal or in the application seeking interim relief in the appeal. Keeping in view the overall facts and circumstances of the case and considering that the statutory appeal is pending before respondent no.2, in my opinion, instead of examining merits of the case in the writ petition appropriate course would be to direct respondent no.2 to dispose of the appeal within time frame. Hence I pass the following order:

. Respondent No.2 shall dispose of the appeal filed by the petitioner against the order dated 25.8.2004 passed by the Deputy Commissioner of Police as expeditiously as possible and preferrably within ten weeks from today. The petitioner to communicate this order to the concerned Minister within two weeks from today. Pending hearing and final disposal of the appeal, the order dated 25.8.2004 shall remain stayed and for a period of two weeks therefrom if the orders passed in the appeal are adverse to the petitioner.

. The writ petition is, accordingly, disposed

of.

(D.B.Bhosale, J.)